

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KAREEM NELSON,

Plaintiff,

-against-

COMPAS 1542 CORP., d/b/a Exquisito Dominican  
Restaurant, and VICTOR RODRIGUEZ,

Defendants.

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ROSLYNN R. MAUSKOPF, Chief United States District Judge:

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**  
19-CV-2464 (RRM) (RER)

Plaintiff Kareem Nelson, a paraplegic who uses a wheelchair for mobility, brings this action against defendants Compas 1542 Corp., d/b/a Exquisito Dominican Restaurant, and Victor Rodriguez, the owner, lessor, and/or operator of the restaurant (collectively, “Defendants”), alleging violations of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12181 *et seq.*; the ADA Accessibility Guidelines, 28 C.F.R. Part 36 (“ADAAG”); and New York State and City Human Rights Laws. After Defendants failed to answer or move to dismiss the complaint, Nelson moved for a default judgment pursuant to Rule 55(b) of the Federal Rules of Civil Procedure. The Court referred that motion to Magistrate Judge Ramon E. Reyes for a report and recommendation.

On September 3, 2020, Judge Reyes issued his report and recommendation (the “R&R”), familiarity with which is assumed. The R&R not only recommended that the motion for default judgment be denied, but also recommended that Nelson’s ADA and ADAAG claims be denied for lack of standing. (R&R (Doc. No. 15) at 4-6.) In addition, the R&R recommended that the Court decline to exercise supplemental jurisdiction over the state and city claims and dismiss this

action without prejudice. (*Id.* at 6.) The R&R expressly advised the parties that any objections to the R&R had to be filed with the Court with 14 days of receipt of the R&R. (*Id.*)

Nelson was electronically served with a copy of the R&R on September 3, 2020. The R&R directed Nelson to serve Defendants with copies of the R&R via both regular and certified mail. (*Id.*) Nelson partially complied with this directive on September 14, 2020, by serving the R&R on both Defendants via first-class mail.

To date, neither party has filed any objections. Accordingly, pursuant to 28 U.S.C. § 636(b) and Rule 72 of the Federal Rules of Civil Procedure, the Court has reviewed the R&R for clear error and, finding none, adopts the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). The Clerk of Court is respectfully ordered to enter judgment in favor of Defendants as recommended by Judge Reyes, to mail a copy of that judgment and this Order to Defendants, to note that mailing on the docket, and to close this case.

SO ORDERED.

Dated: Brooklyn, New York  
September 28, 2020

*Roslynn R. Mauskopf*

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ROSLYNN R. MAUSKOPF  
Chief United States District Judge